



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: PB 2014-34-R1 (6/2015)

Date: July 14, 2015

Recommendation: Conditional Approval

UPDATED PLANNING STAFF REPORT*

Site: Assembly Row Block 5 – 400-498 Assembly Row

Applicant Name: SRI Assembly Row B5, LLC

Applicant Address: 1626 East Jefferson Street, Rockville, MD 20852

Property Owner Name: SRI Assembly Row B5, LLC

Property Owner Address: 1626 East Jefferson Street, Rockville, MD 20852

Agent/Attorney: Robert A. Fishman, Esq.

Agent Address: 155 Seaport Boulevard, Boston, MA

Alderman: Matthew McLaughlin

Legal Notice: Applicant and Owner, SRI Assembly Row B5, LLC, seek a revision to Special Permit with Site Plan Review–A #PB2014-34 under SZO §5.3.8 in order to increase the number of residential units to 134, retail space to approx. 22,000 sf, parking spaces to approx. 216, increase height of tower and rear massing, and a Special Permit to modify parking space dimensions under SZO §9.13.b. The original permit was for final level approval of “Block 5” (identified as MBL 85-A-12) of the Planned Unit Development Preliminary Master Plan (PUD-PMP) approved by the Planning Board on December 14, 2006 and as revised on August 5, 2010 and June 19, 2014. Applicant and owner received approval under SZO Article §16.8.3 and §5.2 to construct a mixed-use building with approx. 20,000 sf retail/restaurant space, 104 residential units, 155 hotel units and approx. 181 parking spaces. The uses include those approved in the PUD-PMP. The residential development is subject to inclusionary housing requirements.

The Applicant and Owner also received waivers (S.Z.O. §6.4.12 & 16.5.5) for fewer loading spaces than required under §9.16.3 and §9.7, submission of a landscape and screening plan under §5.3.2.10, and from regulations of forthcoming zoning amendments as permitted by §16.10.2 of the SZO.

Assembly Square Mixed Use District (ASMD); Planned Unit Development Overlay District - A (PUD-A) / Ward 1

Dates of Public Hearing: Planning Board: June 25, 2015

*Changes from the June 19, 2015 involve the number of residential units, number of compact parking spaces, and height of the building. The additions from the previous staff report are underlined and deletions are ~~struck~~.



I. BACKGROUND & PERMITTING PROCESS

On December 14, 2006, the Planning Board granted Planned Unit Development-A-Preliminary Master Plan (PUD-PMP) approval, subject to certain conditions, for a development area that includes the subject property. On August 5, 2010 and June 19, 2014, the Board granted revisions to the PUD-PMP. Subsequent minor amendments and subdivisions have been filed that do not substantially impact this site. The PMP is for a mixed-use, transit-oriented development with approximately 5.7 million square feet of total development including 2.8 million square feet of commercial space (including but not limited to office, research and development, laboratory, medical office, manufacturing, etc.), 637,000 square feet of retail space including restaurants, cinema and health club, 1,840 residential units, up to a 170-room hotel, the existing Assembly Square Marketplace and approximately 10,066 parking spaces. The revised PMP included much of the same overall development program and the replacement of IKEA with office and retail space. The site plan changed include adjustments to improve the urban design relationship of uses, the quality of the open space along the Mystic River, pedestrian and bicycle circulation, and the financial feasibility of the Project. Design Guidelines were adopted to complement the guidelines in §16.7. The guidelines establish façade hierarchies, district gateways, and key building elements to promote a cohesive PUD while still allowing for flexibility and creativity in design.

The Planning Board has issued Special Permits with Site Plan Review-A, the second phase of approvals after the PUD-PMP for the Marketplace (Phase 1AAA), for IKEA (Phase IAA) - which will not be developed as planned, for Phase IA Blocks 10, 1, 4, 3, 2A, 2B, 11, 6 and 5 (in chronological order), and a temporary parking lot for Block 7. A temporary parking lot application for Block 9 is currently before the Planning Board.

A. Review Requirements under the Somerville Zoning Ordinance

This application is for a Special Permit with Site Plan Review-A (SPSR-A) for the development of parcel 85-A-12. As set forth in §16.8 of the Somerville Zoning Ordinance (SZO), “Application for PUD is a type of special permit with site plan review [SPSR], requiring two (2) stages of review. A PUD Applicant shall first file a preliminary master plan demonstrating a comprehensive land use plan for the entire PUD tract. Upon approval of this plan, the Applicant may then submit special permit with site plan review applications for definitive plans of each portion or phase of development of the PUD tract.”

The Applicant is seeking SPSR-A final level approval of a planned unit development under the revised Planned Unit Development Preliminary Master Plan (PUD-PMP) approved by the Planning Board on June 19, 2014. The PUD-PMP conditions and findings provide the basis for the review of this type of application. A subset of the requirements are required findings for each SPSR-A. The fulfillment of the required findings is indicated as such in the attached Appendixes.

B. Organization of Report

The present report includes the following sections:

- Description of the Property;
- Description of the Proposal;
- Department Comments;
- Public Comments;
- Staff Findings for Special Permit with Site Plan Review-A; and
- Staff Recommendation for Board vote, including recommended conditions of SPSR-A approval.

II. DESCRIPTION OF PROPERTY

A. Site

The total land area of the Master Plan is 2.67 million square feet or 61.3 acres and the area of Block 5 is 115,382 square feet or approximately 2.65 acres. Block 5 is bounded by Assembly Row, Foley Street, Grand Union and Canal Street. The land is currently used as a parking lot with 206 parking spaces to serve the retail uses in Assembly Row. At the northwest corner of the lot there are four shipping containers comprising retail and restaurant space with hours of operation between 7am and 2pm.

B. Surrounding Area

The area surrounding the proposed site contains Draw 7 Park on the opposite side of the MBTA Orange Line tracks and the developments of the Assembly Row Blocks 1, 2, 3 and 4 which are nearing full occupancy. Block 11 is under construction and Block 6 will be under construction soon. Block 7 will continue to be a temporary parking lot, Block 9 is before the Planning Board to be a temporary parking lot and Block 8 is currently vacant.

III. DESCRIPTION OF PROPOSAL**A. Overall**

The plan for Block 5 is a phased proposal. The Planning Board approved the first phase on February 5, 2015 and future phases will require additional SPSR-A applications. Phase one of the original application comprised approximately a third of the depth of the lot with a ~~218,700~~ 224,662 net square foot building. Uses included 22,000 square feet of retail and restaurants, ~~404~~ 134 residential units and 155 hotel rooms. There were ~~95~~ 133 underground parking spaces and 86 surface spaces.

The current application is to revise the approval to add ~~another floor to the~~ height to the 13-story building, add residential units, increase parking, and move the location of the hotel pool and fitness center. The residential units will increase from 104 to ~~147~~ 134 and the parking spaces will increase from 181 to ~~246~~ 219. The number of surface spaces is ~~83~~ 86 and the number underground is 133. The retail space will remain the same at 22,000 square feet. The overall height of the building will increase from ~~13 stories at~~ 157 feet 10 inches to ~~14 stories at~~ 166 feet 4 inches 172 feet 2 inches. The net square footage of the building will increase from 218,700 to ~~236,250~~ 224,662 square feet. The pool and fitness center was moved and a second floor was created in the rear to accommodate them. The space has large block windows facing the middle of the block. Once phase 2 is constructed this area will not be visible from the public right of way.

Compliance with dimensional standards is shown in the table below.

DIMENSIONAL REQUIREMENTS	PUD-A	Approved PUD	Proposed Project *
Minimum lot size	20,000 sf	66.5 acres	115,382 sf (2.5 acres)
Frontage	-	-	~300 ft
Front yard setback	No minimum	-	6.4 ft
Side yard setback (left)	No minimum	-	10.0 ft
Side yard setback (right)	No minimum	-	9.2 ft
Rear yard setback	No minimum	-	242.2 ft
Maximum Floor area ratio (FAR)	10.0	2.0	2.0 <u>1.95</u> (net)
Maximum height, feet/stories	70 feet up to 250 feet	Varying up to 250 feet	166 ft 4 in <u>172 ft 2 in</u> / 14 <u>13</u> -story tower
Minimum lot area/per dwelling unit	No minimum	Approx	986 <u>861</u>

DIMENSIONAL REQUIREMENTS	PUD-A	Approved PUD	Proposed Project *
		1379	
Total open space (% & sf)	25%	27.8% / 743,568 sf	9.1 % / 10,499 sq
Useable open space (% & sf)	12.5%	21.2% / 565,983 sf	6.4 % / 7,384 sf

* The dimensional requirements do not need to be met for each individual SPSR as they contribute to the approved PUD that does comply with the dimensional requirements.

B. Site Design and Access

The project area is rectangular in shape. The address for the building will be the 400 block of Assembly Row. When the retail space is subdivided addresses for each occupant will be established. The entrance to the below grade parking is located on Canal Street. There are entrances to the at grade parking on Canal Street and Foley Street.

Pedestrian access will be around the site on the sidewalks. There is an entrance to the residential units on Canal Street and an entrance to the hotel on Foley Street. The retail entrances will be directly off of the sidewalks.

The current application is only for phase 1 of the block; however, the design guideline for the block shows that the vehicular entrances proposed with this application would remain the same and one additional entrance as proposed along Grand Union Boulevard.

C. Building Shape and Placement

The design guideline for Block 5 was approved in the latest Master Plan amendment to be submitted with the SPSR-A application; therefore, the building space and placement matches the design guideline. The proposal is for a ~~fourteen~~ thirteen story building along Assembly Row that wraps the corner onto Canal Street. The building steps down to five-stories and then two-stories at the corner of Assembly Row and Foley Street.

D. Uses

The use of the building is proposed to be ~~447~~ 134 residential units, 155 hotel rooms, and 22,000 square feet of restaurants and retail. A list of specific uses from the Somerville Zoning Ordinance use table was approved as part of the PUD-PMP and the building could contain a mix of those approved uses. The ground floor is currently broken up into six retail units ranging in size from 1920 to 4150 square feet. There is a hotel lobby on the ground floor and pool and fitness center on the second floor. The hotel rooms are on floors two through five along with two meeting rooms and an outdoor terrace on the second floor that overlooks Foley Street. The residential units are on floors six through ~~fourteen~~ thirteen. There is a rooftop terrace on the sixth floor for residents. Appendix G provides information on the square footage of each use that was permitted through the Master Plan approval and how many square feet of each use has been constructed to date.

E. Linkage

The City, the Somerville Redevelopment Authority, IKEA, and Federal Realty Investment Trust have entered into a development covenant from 2006 that establishes that linkage will be paid after the first 300,000 square feet of space is constructed in the PUD PMP, excluding the existing Mall. This threshold has been reached as outlined in Appendix G and linkage will be required for the square footage of this building as in outlined in the attached conditions.

F. Inclusionary Housing

The number of residential units that will be affordable units as specified in the SZO will increase from 13 to ~~15~~ 17. The Applicant will create an Affordable Housing Implementation Plan (AHIP) with the City. ~~The Applicants are seeking a waiver from the right of first refusal requirement that grants the SPGA or its designee the right of first refusal or option to purchase the affordable units under Section 13.3.5 of the Zoning Ordinance.~~

G. Landscaping and Open Space

Block 5 will be built out as an urban block and will not contain landscaping beyond planter boxes on the sidewalk. Landscaping across the Assembly Row site is concentrated in publically accessible well programmed spaces.

The usable open space on the site is around the building adding to the width of the sidewalks. Larger areas of usable open space will be on other parcels where they are consolidated to make larger spaces that will connect the Assembly Row development to the waterfront. The overall calculation of useable open space in the PUD is 21.2 percent. The private terrace areas are not counted in the usable open space calculation, although they will function as usable open space for the tenants of the building. Under §16.6.1 of the SZO, the usable open space must be permanent, made accessible to the public at a minimum from 9:00 am to 5:00 pm, and protected through a covenant or other appropriate legal instrument.

H. Parking, Loading and On-site Circulation

The minimum and maximum parking requirements are outlined in the table below. Assuming a use mix of 11,000 square feet of retail, 11,000 square feet of restaurant space, ~~117~~ 134 residential units, and 155 hotel rooms the minimum requirement is ~~227.5~~ and maximum is ~~396.5~~. The number of spaces that will be provided, ~~216~~ 219, is ~~slightly~~ less than the minimum. The parking requirements do not need to be met for each individual SPSR as they contribute to the approved PUD that does comply with the parking requirements. For phase 1 the underground parking will be for the residents and the at grade parking will be for the hotel and retail as well as shared parking with uses on surrounding blocks.

PARKING REQUIREMENTS	Square Feet	Minimum Requirement	Minimum # Spaces	Maximum Requirement	Maximum # Spaces*
Retail	11000	1/1000sf	11	1/500sf	22
Restaurant	11000	1/500sf	22	1/250sf	44
Residential	117 <u>134</u> units	1/unit	117 <u>134</u>	1.5/unit	175.5 <u>201</u>
Hotel	155	0.5/unit	77.5	1/unit	155
Total			227.5 <u>244.5</u>		396.5 <u>422</u>

* The parking requirements do not need to be met for each individual SPSR as they contribute to the approved PUD that does comply with the parking requirements.

The bicycle parking requirement is 1 for every 10 parking spaces for the commercial uses and a ratio of one bicycle parking space for every three additional residential units above seven. Eighty-six commercial parking spaces will be provided and therefore 9 bicycle parking spaces are required. ~~Thirty-seven~~ Forty-two residential bicycle parking spaces are required. The total required bicycle parking spaces on the site is ~~46~~ 51.

Based on the Applicant's assumptions of the number and size of the retail and restaurant tenants anticipated 3 loading docks parking spaces are required. The requirements are: 2 for between 20,001 and

35,000 square feet of retail and 2 for between 6,001 - 16,000 square feet of restaurant. The users of the buildings will be able to share loading docks including the residential tenants when moving into or out of the building. A waiver was approved to provide 2 docks. Loading will occur mid block at the ground floor of the building. Trucks will enter and exit via Canal Street. Trucks are able to ingress and egress the site in the forward direction.

A Special Permit is sought for modification of parking space dimensions under SZO §9.13.b. for modification of parking design standards. The standard parking space dimension is 9 feet by 18 feet. The ordinance allows for 20% of the spaces to be compact at 8 by 16 feet. For 219 total parking spaces in this proposal, 20% would be 44. The proposal is for 81 spaces to be slightly narrower than the standard, some tandem and some at the typical compact parking space size. More specifically, the underground parking lot includes 81 – 8.5 by 18 foot spaces, 35– 8 by 16 foot spaces, 5 – accessible spaces, and 12 – tandem spaces. The 86 at grade spaces will be the standard size.

I. Form and Design of the Building

The design guidelines lay out the form and key elements of the Blocks of the Preliminary Master Plan (PMP) that were adopted as part of the revised PMP approval. As part of the June 19, 2014 Preliminary Master Plan approval the specific guidelines for Block 5 were approved to be submitted with the SPSR application.

The design guidelines provide a logical strategy that fits into the plan for the rest of the neighborhood. The building massing responds to massing and open space on other blocks. The taller portion of the site will be back from Assembly Row and separated from the tower on Block 6. The scale of the building steps down to address the median park between Blocks 7 and 8 and will provide a view of this significant corner from the park and from the walk from the T-station to Assembly Row.

The significant and primary facades as defined in the Assembly Row Design Guidelines are strategically placed. The first floor around the building will be primary elevations or areas of architectural emphasis which are most impactful for how pedestrians perceive the building. The residential tower also has significant areas on floors twelve and thirteen to provide a base, middle and top to the building. The significant corners will be on the two-story portion of the building that wraps the corner from Assembly Row to Foley Street and the southwestern corner to give prominence to the commercial tenant.

J. Signage

The retail signage will be located along the first floor where the retail storefronts exist. Staff will review and approve retail signage based on the Assembly Row Storefront and Signage Design Standards. Plans that are inconsistent with the Standards will require review from the Design Review Committee and approval from the Planning Board. Signage proposed outside of the retail area is not shown on the plans and will require a Special Permit in the future if it does not comply with the signage standards in the ASMD.

K. Waivers & Other Relief Requests

The Applicant received waivers from the requirements of the Zoning Ordinance under §9.16.3 and §9.7 for fewer loading spaces than is required, under §5.3.2.10 for submission of a landscape and screening plan, and under §16.10.2 from regulations of forthcoming zoning amendments as permitted by of the SZO.

- The loading space requirement is dependent on the breakdown of retail versus restaurant space in the mixed use building. Since the breakdown has not yet been determined, the Applicant calculated that the maximum number of loading docks required is 3 and 2 will be provided. The

rational for providing less than the maximum number of loading spaces is that allocating less ground floor space to loading results in more square footage for retail and restaurant uses that enliven the district. Moreover, two loading spaces will be sufficient for the proposed uses. Several of the tenants will likely use vans for deliveries and two vans can fit in a loading area designated for a larger truck. The site will be managed to minimize conflicts.

- The landscaped plan is not needed as a part of this application because the only landscaping onsite at full build out will be planters. There is currently landscaping including a rain garden that will remain. The loading area will be screened by a wall and a condition of approval will be to review the design of it. The service and utility areas of the building will be internal as part of the phase 2.
- The final waiver is from applying the proposed zoning ordinance to the development that has been advertised for a public hearing. Section 16.10.2 states that in general it is intended that amendments to the Ordinance subsequent to approval of a PUD shall apply to the PUD; however, due to the long-term, comprehensive nature of a PUD, the owner may seek a waiver of any new zoning regulation through the SPSR process. In granting a waiver the SPGA shall be fully satisfied that the PUD is in full compliance with the intent of the Ordinance and being developed in a manner that meets or exceeds the level of compliance effective at the time of PUD preliminary master plan approval.

IV. CITY DEPARTMENT/COMMITTEE COMMENTS

Design Review Committee

The Citywide Design Review Committee (DRC) reviewed the proposal at a public meeting on January 8, 2015. The minutes, as noted by Planning Staff are copied below:

The DRC made the following recommendations on the design.

- The DRC appreciate the porosity/lightness as the building gets taller.
- There is precedent for the step down corners in Assembly Square but the 4-story and 2-story step downs are more of a barnacle than a cohesive design. There needs to be more acknowledgement of these pieces building part of the development.
- The materials chosen make this development look like what has already been built. The development team noted that this is the last building proposed that will be using the same materials as the other Assembly Row projects.
- The two story element should be incorporated into the base of the building and should be given more weight.

The Applicant incorporated the design suggestions into the current proposal and reviewed the changes with Planning Staff.

Traffic and Parking

Traffic and Parking has the following comments concerning Assembly Row Block 5. These comments pertain to the Transportation Narrative and the section concerning Grand Union Boulevard and Foley Street.

The last sentence in this section needs to be revised to properly reflect circumstances. This sentence should be changed to the following “In the summer of 2014 the City of Somerville converted this location/intersection to a four-way stop controlled intersection based on a memorandum submitted to the City of Somerville by VHB on July 7, 2014 stating that the intersection complied with the warrants for a four way stop as required by the Manual of Uniform Traffic Control Devices.”

Also as stated in this section, since the subsequent construction of Block 11A and the full occupancy of Blocks 1-4 and Block 6 a traffic signal will be warranted at this location, traffic mitigation is to be provided by FRIT in the form of the construction/installation of an operable traffic signal with a traffic controller(s) capable of providing four way flashing red signals is required.

Engineering

The Applicant shall complete the Site Plan Review Checklist and supply the information to the Engineering Office. The plans must comply with the City's Stormwater Management Policy.

Also, a full set of as built plans shall be submitted to the Office prepared and stamped by a Registered Licensed Surveyor in the State of MA prior to final sign off. This Office shall review submitted as built and at its discretion require additional information if needed.

All sidewalks and handicapped ramps shall be ADA compliant and a letter of compliance prepared by a professional engineer registered in the State of MA shall be submitted to this office prior to final sign off.

The utilities were addressed in prior permitting; however, the design and construction of the sanitary sewer system shall be provided to Engineering for this building. If alterations are to be made to existing site utilities, a full review and approval by this Office must be made prior to construction.

Fire Prevention

The Fire Department is mandating outside fire strobes to be placed in front of each retail space. The Applicant shall meet with the Fire Prevention regarding radio master boxes, fire alarm panels and sprinkler plans. These systems will require Fire Prevention review and approval prior to the issuance of any construction permits.

Housing

The applicant shall meet the obligations required by Article 15, Linkage. All covenants, contractual agreements and other documents necessary to ensure compliance with this Article shall be executed prior to the issuance of a building permit. The first project mitigation payment shall be made prior to the issuance of a certificate of occupancy. The final square footage shall be determined at the time of issuance of a building permit.

The Applicant shall contact the Housing Division to work on the Affordable Housing Implementation Plan and Marketing Plan.

Lights & Lines

Lights & Lines has preliminarily reviewed the plans and may submit comments or conditions prior to the hearing.

Ward Alderman

Alderman McLaughlin is aware of the proposal and has not submitted comments at this time.

V. PUBLIC COMMENTS

As of ~~June 18~~ July 14, 2015, Planning Staff has not received any comments directly related to the revision to the SPSR-A application.

VI. STAFF FINDINGS FOR SPECIAL PERMIT WITH SITE PLAN REVIEW–A & SPECIAL PERMIT***A. General Application Requirements***

Application requirements are identified in Section 16.8 of the SZO. Section 16.8.2 and 16.8.3 identifies the general information required for a preliminary PUD PMP approval and final level approval. Section 16.8.2.H and 16.8.3 identifies that the Special Permit with Site Plan Review requirements in Section 5.2 are required for both phases of approval. Staff finds the SPSR-A meets the application submittal requirements in the above listed sections. Detailed findings are contained in Appendix A.

B. Required Findings of Fact for PUD

Section 16.10.1 of the SZO indicates that PUD preliminary master plan approval shall be considered preliminary approval that recognizes that the plan is in general accordance with provisions of the Somerville Zoning Ordinance (SZO). Findings are then required under 16.1, 6.4.1, 6.4.3, 16.4, and 16.7 of the SZO. The ASMD further requires findings to meet development standards and design guidelines under 6.4.7 and 6.4.8. The Planning Board determined that the PMP met the required findings for a PUD PMP, but indicated that some issues would require further review at the SPSR-A submittal. The Staff has reviewed these required findings as they relate to the SPSR-A application and find that these findings have now all been met. Detailed findings are contained in Appendix B.

C. Requirements for SPSR (SZO §5.2.5 and 5.1.4), Revisions (§5.3.8) & SP (§9.13)

The SZO requires that the PMP be reviewed to ensure that projects under the PMP can meet the standards required for SPSR-A in the ordinance. Section 6.4.9 requires that the requirements in Section 6.4.9C as well as parts a-h of Section 5.2.5 must be addressed when SPSR-A requests are submitted. The Staff finds that projects submitted for SPSR-A under this PMP meets the findings required as identified in Appendix C.

Revisions to Special Permits with Site Plan Review under SZO section 5.3.8 may be sought before the Certificate of Occupancy is issued for a project. The proposed revision is not deemed de minimis because the changes would be noticeable to persons generally familiar with the plans. Revisions that are not de minimis are subject to the full notice and hearing provisions of the Somerville Zoning Ordinance.

The SZO requires that the requirements in Section 5.1.4 are addressed when Special Permit requests are submitted. The Staff finds that the special permit for parking spaces dimension modification meets the findings required as identified in Appendix C.

D. Waiver Standards

Upon written request by the applicant, the SPGA may waive submission of any of the required information for Special Permit with Site Plan Review applications, if the SPGA finds the information is not applicable to the project, per Section 5.2.3, 6.4.12 & 16.5.5. Staff find that the requested waiver from the loading bay requirements (§9.16 & 9.7) and providing a landscape and screening plan §5.3.2.10 are acceptable.

Staff find that the request to waive the proposed regulations of forthcoming zoning amendments are reasonable. The proposed zoning ordinance has been advertised but the standards of the code will likely change as a result of the public hearing and future meetings with the Planning Board and Board of

Aldermen. The Applicants have done their due diligence under the existing zoning ordinance and are ready to move forward with development of the block.

The Staff finds that projects submitted for SPSR-A under this PMP meets the findings required as identified in Appendix D.

VII. STAFF RECOMMENDATION

Based on the materials submitted by the Applicant and the attached findings, the Planning Staff finds that the application for the revision to the Special Permit with Site Plan Review-A for final level approval of a planned unit development under the Preliminary Master Plan approved by the Planning Board on December 14, 2006 and as amended on August 5, 2010 and June 19, 2014 meets the goals of the City for this site, the purposes of the district, and the provisions and purposes of the Ordinance. Therefore, the Staff recommends CONDITIONAL APPROVAL of the requested revision to the Special Permit with Site Plan Review-A.

Planning Staff also recommends APPROVAL of the Special Permit to modify parking space dimensions under SZO §9.13.b.

Approval constitutes an approval of Phase 1 of the site including ~~236,250~~ 224,662 net square foot building with 22,000 square feet of retail and restaurants, ~~447~~134 residential units, 155 hotel rooms, approximately 133 underground parking spaces and approximately ~~83~~ 86 surface spaces.

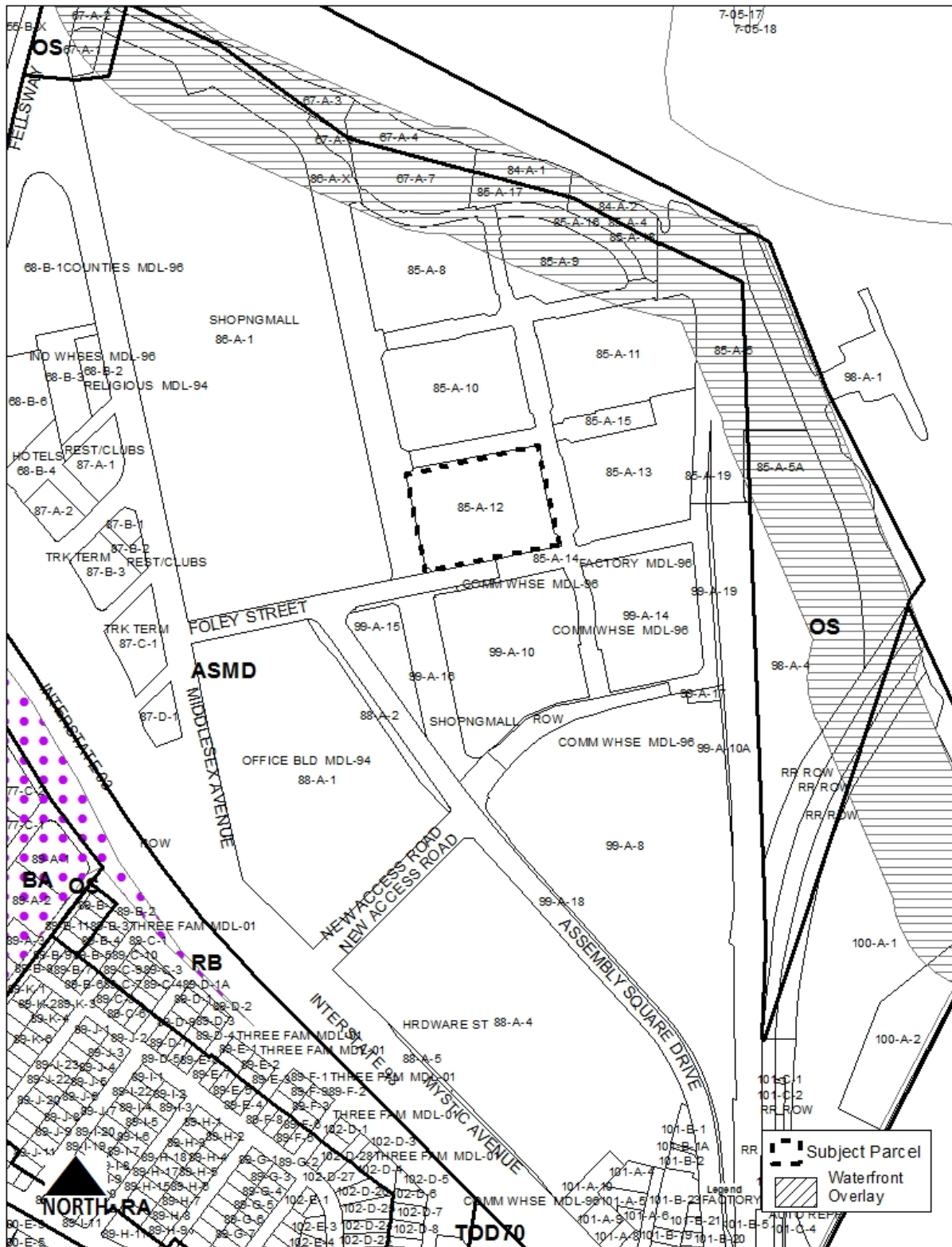
The Planning Board previously approved the waivers for the number of loading docks, submission of a landscape and screening plan and compliance with the proposed zoning ordinance.

To mitigate any potential negative impacts and to provide the best project possible, the Staff recommends attaching to the SPSR-A the CONDITIONS in Appendix E. In order to complete this project, the attached PMP-PUD conditions in Appendix F need to be satisfied within the designated timeframe for compliance.

Appendix G addresses the PUD-PMP thresholds that will adjust as the Assembly Row project is built out.

Approval does not include the design of the storefronts or first floor retail signs, which are subject to the Assembly Row Signage and Storefront Standards that are currently before the Planning Board for approval. The storefront design and signage are subject to staff review to ensure that the design is consistent with the standards. Wayfinding signs will be subject to design standards that the Owner submits.

The recommendation is also based upon a technical analysis by Planning Staff of the application material based upon the required findings of the Somerville Zoning Ordinance, and is based only upon information submitted prior to the public hearing. This report may be revised or updated with new recommendations, findings and/or conditions based upon additional information provided to the Planning Staff during the public hearing process.



Appendix A: Application Requirements

A.1: Procedures for PUD Applications - Supportive Information (SZO 16.8)					
Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
16.8.2.A	A neighborhood context map, at a scale not less than one (1) inch equals one hundred (100) feet, providing a graphic description of the neighborhood in which the tract lies, including roads, utilities and other public facilities, major existing buildings and structures. There shall also be a statement and/or plan as to the general impact of the proposed PUD upon the area, indicating how the PUD relates to surrounding properties and what measures will be taken to create appropriate transitions and access from the subject property to abutting public properties (i.e. parks, waterfront, etc.) or other neighboring tracts (if applicable)	x		x	Included in application submission
16.8.2.B	A conceptual site plan drawn to a scale of not less than one (1) inch equaling fifty (50) feet, or series of drawings at the same scale, and any necessary supporting information	x		x	Included in application submission
16.8.2.C	Analysis of compliance with regulations as to dwelling units per square feet of lot area, height, building coverage, floor area ratio (FAR) and parking requirements	x		x	See Overall Site Plan
16.8.2.D	Names of all property owners within five hundred (500) feet of the PUD boundary	x			Included in application submission

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
16.8.2.E	Explanation of provisions for the landscaping and maintenance of all open space and drainage areas	x		x	See Stormwater Management section in Utility Analysis for maintenance of drainage areas. There is a condition relative to preparation of Maintenance Agreement for this Block. The landscaping is minimal on this block and will consist of street trees and raised beds.
16.8.2.F	A traffic analysis and recommendations prepared by a registered professional engineer qualified to conduct such studies, including current traffic counts for streets surrounding the project, analysis of the existing capacity of those streets, projections of the amount of traffic that will be generated by the proposed development, and the ability of the thoroughfare system to absorb the increased traffic without decreasing the level of service below an acceptable level . . .	x		x	A traffic analysis of the full build-out of Assembly Row that was last conducted for Block 11A included the proposed build-out of Block 5. With the analysis complete, roadway improvements complete and MBTA station open, Block 5 will not significantly impact traffic conditions in the area.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
16.8.2.G	A utilities analysis and recommendations prepared by a registered professional engineer qualified to conduct such studies. Said analysis shall contain an inventory of existing utilities including, but not limited to, storm sewers and drains, sanitary sewers, electrical lines, fire alarm boxes and lines, gas lines/mains, water mains, lighting, curb and gutter, etc. Said inventory shall illustrate utility locations, sizes, diameters, carrying capacity and present load on the system. The engineer's report shall state if the current system is capable of adequately serving the proposed development. If the current utility system is found to be inadequate for the proposed development, the report shall confirm the deficiencies and make recommendation(s) as to the infrastructure improvements necessary to properly service the proposed development and maintain the existing service. The report shall also present a formal plan for infrastructure improvements, documenting timing, funding mechanisms and coordination with the City	x		x	See Utility Analysis
16.8.2.H	All applicable information required for special permit with site plan review (See Article 5 of this Ordinance). This information may be submitted at a preliminary level, in consideration that PUD approval is a preliminary approval	x		x	See section A2, below

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Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
16.8.2.I	Any other supportive information the applicant feels may be beneficial to the City of Somerville in the evaluation of the request	x			
<u>A.2: General Information Required for SPSR Applications (SZO 5.2)</u>					
Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
5.2.3.1	names, addresses, and telephone numbers of the applicant, the owner if other than the applicant, and other agents for the applicant, such as the architect, engineer and/or attorney, and the name and address of the proposed project	x		x	Included in application submission
5.2.3.2	plot plan certified by land surveyor indicating total land area, boundaries, angles, and dimensions of the site and a north arrow	x		x	The Layout and Materials Plan, certified by Hugh Hahn, PE depicts boundaries, angles and dimensions for the proposed Block 5 project area.
5.2.3.3	scaled site plans certified by a registered land surveyor, architect, landscape architect or engineer showing present and proposed use of land and existing buildings, if any; dimensions of existing and proposed structures; location and dimensions of any easements and public or private rights of way; and at grade parking and loading areas.	x		x	See Overall Site Plan, Layout and Materials Plan, Grading and Drainage Plan, Utility Plan all certified by Hugh Hahn, PE. The Building Elevations were prepared by Add Inc. The footprint is shown on the Layout and Materials Plan along with a zoning summary chart. The total proposed number of parking spaces is 219. The proposal is for at least 51 bicycle parking spaces. Driveway aisles within the garage will be 24-feet wide.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
5.2.3.4	brief written description of the proposed project, such as proposed construction or demolition, all uses, who the project is intended to serve, expected number of employees, and/or occupants and methods and hours of operation, as applicable	x		x	The proposal is for a mixed-use building that is intended to serve people that would like to live in or visit Somerville and who would like to patron the stores and restaurants in Assembly Row. The projected number of employees is 112.
5.2.3.5	the total floor area and ground coverage ratio of each proposed building and structure	x		x	The FAR is 1.9. The ground coverage is 31.5%.
5.2.3.6	front, side, and rear elevations			x	Mixed use building elevations submitted.
5.2.3.7	existing and proposed contour elevations in two foot increments	x		x	The ground elevations are shown in one-foot intervals on the Existing Conditions Plan of Land. The project is generally flat with elevations ranging from 10 feet to 15.5 feet. The site is at the same relative elevation as the surrounding area. The proposed grading is 12.5 to 14.5 feet with a range elevation of the site being between 13.5 to 14 feet.
5.2.3.8	provisions for vehicular and pedestrian circulation	x		x	See Overall Site Plan and Design Guidelines for basic information. Detailed information regarding the design of streets and sidewalks are a condition of approval for review by the City Engineer and Traffic Engineer. There will be sidewalks and streets surrounding the block.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
5.2.3.9	color, materials, and exterior features of proposed structures	x		x	The low-rise building will appear as a dark metal or stone exterior. The mid-rise building will be a light brick masonry and the high-rise will be a red brick masonry with a glass curtainwall at the top two floors. The storefronts will be designed by the tenants and must comply with the Assembly Row storefront standards.
5.2.3.10	landscaping and screening, including trees, stones, walls, fences, and other features to be retained and removed, as well as color, size, and type of landscaped surface materials	x		x	In the short term there is landscaping surrounding the parking lot. There will be a screening wall along the loading docks. In the long term there will be street trees and raised planting beds. The utility space will be in the interior of the building.
5.2.3.11	measures taken to preserve and protect natural resources	x		x	The site is currently a brownfield and the remediation of the soil for the PUD is an improvement to the environment.
5.2.3.12	outdoor lighting, including location and intensity of lighting facilities			x	Lighting will consist of street lights and lighting the façade for wall wash lighting elements to create an effect.
5.2.3.13	dimensions and locations of signs, proposed and existing			x	There are 3 large mounted signs around the perimeter of the surface parking lot at will remain until the full build out of Block 5. Retail signage will be dictated by the tenants and be in conformance with the Assembly Row Signage Standard. Signage for the hotel and residential signage will need to comply with the Assembly Square Mixed Use District or seek special permits.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
5.2.3.14	location and significance of historic structures	x		x	There are no structures of historical significance on the site and all of the structures have been removed.
5.2.3.15	method for handling solid waste disposal, and for screening of disposal facilities			x	A licensed private contractor will pick up solid waste disposal and recycling. Disposal facilities will be screened from public way by landscaping and architectural elements. The exact location and screening will be conditions of approval. In the full build out dumpsters and compactors will be located within the building and will not be visible from public view.
5.2.3.16	description and location of all proposed mechanical and electrical system components, including exhaust and ventilation system, transformers, and satellite dishes			x	The electric trans-closure and transformers will be located within the building. Most of the mechanical equipment such as energy recovery units, generator, and cooling tower is located on the roof of the tower and mostly screened. Service areas are interior to the building.
5.2.3.17	locations of and adequacy of existing and proposed on-site public utilities, facilities, and conditions (water, sewerage, and drainage), showing size and direction of flows	x		x	See Existing Conditions Plan; Utility Analysis; Layout and Materials Plans. The utility infrastructure improvements (water, sewer, drainage) within Grand Union Blvd have been designed to accommodate full build out of Master Plan.
5.2.3.18	demolition and construction procedures including impact mitigation measures; an estimate of the time period required for completion of the development			x	There is no demolition. Completion of construction is estimated to be in the Spring of 2017.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
5.2.3.19	a traffic study including estimated peak hour traffic volumes generated by the proposed use in relation to existing volumes and projected future conditions or, if the project is twenty-five thousand (25,000) square feet or more, a traffic impact analysis which is prepared by a professional traffic engineer	x		x	Traffic analysis of the full build-out of Assembly Row has been conducted and the latest version for Block 11 included the proposed build-out of Block 5 which is consistent with the current proposal. With the analysis complete, roadway improvements complete and MBTA station open, Block 5 will not significantly impact traffic conditions in the area.
5.2.3.20	general summary of existing and proposed easements or other burdens now existing or to be placed on the property	x		x	See Existing Conditions Plan; ROW Plan.
5.2.3.21	wetlands, ponds, and surface water bodies, as defined under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, and rules promulgated there under, 310 CMR 10.00	x		x	See Existing Conditions Plan. There are no wetlands on the project area.
5.2.3.22	photographs of at least eight (8) by ten (10) inches, showing the development site and surrounding parcels	x		x	Included in application submission
5.2.3.23	names and addresses of all property owners within three hundred (300) feet of site boundaries	x		x	Staff generated a current list.
5.2.3.24	such other information as will aid the SPGA in judging the application and in determining special conditions and safeguards, and as the SPGA should deem necessary, in its determination of completeness of said application as provided in Section 5.3.1 and the SPGA Rules and Regulations	n/a			n/a

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Appendix B: Required Findings of Fact for PUD

<i>B.1: General Findings under Section 16 (SZO 16.9 and 16.1)</i>					
<i>Section</i>	<i>Required Finding</i>	<i>Met in PUD</i>	<i>Not Met</i>	<i>Met in SPSR-A</i>	<i>Comment</i>
16.9	The SPGA shall review and determine whether a PUD application is complete and place special emphasis in its review as to PUD compliance with provisions of Article 16 herein, including compliance with the purpose and general requirements/features of a PUD	x			See Appendix A. Applicant has provided a complete application. See the remainder of Appendix B which establishes that Applicant has provided an application that is in compliance with the provisions of Article 16 and complies with the purpose, general requirements and features of a PUD.
16.9	The SPGA shall . . . determine whether the proposal is consistent with the most suitable development of the City, and conduct a review in accordance with the requirements for special permit with site plan review as set forth in Article 5 of this Ordinance. The PUD shall comply with all requirements of this Ordinance unless a deviation from these strict requirements is authorized herein in Article 16	x			The proposal to reuse a brownfield next to the Orange Line for a transit-oriented mixed-use, green development is consistent with the most suitable development in the City. It is based upon a long-term set of principles established by the City for redevelopment of the Assembly Square area in the ASD Plan.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
16.1	<p>The purpose of a Planned Unit Development, or PUD, is to provide for a mixture of land usage at designated locations at greater variety, density and intensity than would normally be allowed . . . to achieve, to the greatest possible degree, land development responsive to an analysis of the environmental assets and liabilities of a site, both natural and man-made. A PUD should be a well-integrated development in terms of land uses, functional activities, and major design elements such as buildings, roads, utilities, drainage systems and open space. A PUD is allowed greater design flexibility so that larger-scale site and master planning for a development may protect natural features and consider most fully the surrounding land use and development context . .</p> <p>.Development should be concentrated in the most suitable and least environmentally sensitive areas of the landscape. Preservation and enhancement of open space is strongly promoted.</p>	x			<p>The proposed project has benefitted from an additional years of work by the applicant in collaboration with the City and community stakeholders since the original 2006 PMP. The result is a plan for a vibrant, mixed use, urban neighborhood and commercial center providing more than 4,500 new jobs, increased tax revenues, improved access to transportation, improvements to regional stormwater systems and enhanced open space amenities. The project mixes uses, provides urban densities, develops according to environmental constraints and opportunities on the site, while creating a group of urban blocks that concentrate development with the highest densities near the transit station, mid-rise buildings fronting on the Mystic River parks, and expanded open space. The project meets this finding.</p>

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
<u>B.2: Consistency Findings (SZO Section 6.4)</u>					
Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
6.4.1	Purpose. The Assembly Square Mixed-Use District (ASMD) has been enacted to encourage the best use of Assembly Square physically, economically, environmentally and socially while promoting the best interests of residents of the City. The ASMD is intended to fulfill the goals and objectives contained in the Assembly Square District Plan (the ASD Plan, as hereinafter defined). The ASMD zoning is designed to allow the district to reach these goals.	x			See comments under Section 6.4.4 below.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
6.4.4	The ASD Plan describes the physical characteristics of the ASMD. The ASD plan establishes a comprehensive plan for development in the ASMD. The ASD plan includes the <u>Assembly Square Planning Study</u> dated October 2000	x			The Assembly Square Planning Study prepared by the Cecil Group in 2000 created a framework for development in the Assembly Square area over the next twenty years and beyond. This Planning Study encouraged mixed- use development, but also recognized that a certain amount of big box retail would be the most feasible use in Assembly Square in the immediate future. The Planning Study specifically supported the redevelopment of the Assembly Square Mall and the proposed new IKEA store to improve Assembly Square's visibility and image, helping to pave the way for more intensive office development in the future. While the ASD Plan's site layout was based upon the ownership arrangement before the IKEA land swap and removal of IKEA from the plan, the general principles and concepts of the plan are supported by the proposed PMP amendment, and this PMP includes all of the physical characteristics, values and goals that were addressed in the Planning Study.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
6.4.4	The ASD Plan describes the physical characteristics of the ASMD. The ASD plan establishes a comprehensive plan for development in the ASMD. The ASD plan includes the <u>Assembly Square Revitalization Plan</u> dated 2002	x			The Assembly Square Revitalization Plan is an approved Urban Renewal Plan under MGL 121B. The 2002 plan was a Major Plan Change to the 1980 Assembly Square Revitalization Plan -- the City's urban renewal plan for Assembly Square. The Major Plan Change built on the foundation of the Cecil Group's Planning Study. The Major Plan Change envisioned a mixed use district with office, retail, residential, cinema, hotel, and restaurant uses – a vibrant 24-hour district with a density somewhere between Boston's density and level of density in nearby suburbs. The Major Plan Change also envisioned the redevelopment of the Assembly Square Mall and a new IKEA store. The removal of the IKEA store allows for a larger mixed use district and the revised PMP is consistent with the overall vision of the Revitalization Plan. The Redevelopment Authority intends to amend the Revitalization Plan to reflect the latest redevelopment plan as outlined in this PMP and the FEIR.
6.4.4	The ASD Plan describes the physical characteristics of the ASMD. The ASD plan establishes a comprehensive plan for development in the ASMD. The ASD plan includes the <u>Assembly Square Design Guidelines for the Public Realm</u> dated 2002	x			Overall, the revised PUD PMP is consistent with the Public Realm Guidelines. The PUD's four key principles closely align with the goals of the Public Realm Guidelines; both encourage design that supports the PUD's public spaces and achieves sense of place, multi-modal functionality, and 24-hour activity. Both documents give streetscapes and public spaces high priority, stressing the role these spaces play in the framework of the PUD. Both establish street hierarchies and district gateways for orientation. The PUD PMP is also consistent in its recognition of the Mystic River as a regional amenity, maximizing pedestrian accessibility to the waterfront. The Public Realm Guidelines generally include a greater level of streetscape and building detail, while the PUD PMP establishes complementary detailed design guidelines to drive decisions made at the SPSR-A phase and during streetscape design.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
					For example, the Public Realm Guidelines call for a unified signage system that considers elements like sign character, placement, materials, and typestyle. This issue is addressed through inclusion of a condition that a sign design guideline be established. The Public Realm Guidelines also place emphasis on creating physical and visual connections between the PUD and its surrounding neighborhoods. The Applicant is undertaking several significant transportation improvements to enhance multi-modal access to the site. These efforts are especially important along the PUD's outer edges.
6.4.4	The ASD Plan describes the physical characteristics of the ASMD. The ASD plan establishes a comprehensive plan for development in the ASMD. The ASD plan includes the Assembly Square Transportation Plan dated 2003	x			The Assembly Square Transportation Plan generally calls out for development of a street grid within the mixed-use area. That grid has changed with the relocation and removal of IKEA, but the overall transportation strategy in the PMP meets the spirit of the original Transportation Plan.
<i>B.3: General Requirements of a PUD (SZO Section 16.4)</i>					
Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
16.4a	a designated tract of land meeting the minimum lot size requirements of Section 16.5.1.a for the PUD district	x			The parcel size is 2,896,740 s.f., or approximately 66.5 acres. This exceeds the 20,000 SF minimum lot size required for the PUD-A in the ASMD.
16.4b	developed in a comprehensive, design-integrated manner, according to an overall master plan, with two (2) or more types of use	x			The Applicant has submitted a revised Master Plan with supporting plans showing buildings and roadways prepared by the architectural firm of Streetworks, Inc. and the engineering firm of Vanasse Hangen Brustlin, Inc. The PUD includes the following uses: retail (including restaurant and cinema), commercial (including office, R&D, and other commercial uses), residential, hotel, and parking.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
16.4c	consistent with the objectives of this Ordinance;	x			The Applicant has utilized the increased height and FAR allowed under the PUD Ordinance, proposing buildings ranging from 8 to 23 stories with a maximum height of 250 feet. By contrast, the maximum height permitted as of right is only 40 feet. The proposed PUD has been designed so that each phase, the Marketplace and Assembly Row functions well on its own and also in relation to other phases. With Assembly Row, the applicant has the flexibility to design and construct residential, retail and/or commercial, or a mix of all, in response to the market and to other development taking place in Assembly Square.
16.4d	consistent with the goals, objectives and plans of the City for the general subject area	x			The goals, objectives, and plans of the City for Assembly Square have been expressed in various public documents. Section B2 of these findings identifies in more detail how the proposed PUD is consistent with the these documents. The previous PUD approval in 2006 met the goals and objectives of these documents and this revision is a refinement of the original PUD approval. The DRC reviewed the Design Guidelines for Assembly Row which provide greater clarity regarding the future development to take place on the site. The DRC's comments have been included in this report.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
16.4e	developed so as to locate or cluster development sites, especially buildings, in a manner that provides usable open space, preserves natural or historic features, and preserves views of such features to the maximum extent possible	x			The PUD is oriented around a series of open spaces connected by pedestrian friendly streets. Assembly Row has been oriented to preserve a view of the Mystic River. The Applicant will widen the existing DCR park as part of the PUD, and this expanded park will serve as an anchor to the north end of Assembly Row. The new park will be lined with a cluster of residential/retail buildings to give it an active edge and it is expected to serve as a place for public enjoyment of the river. Throughout the site, the Applicant proposes to construct a series of additional passive pocket parks for residents, shoppers, office workers, and visitors. Other than the riverfront, Assembly Square does not have any important natural or historic features to be preserved. During SPSR-A review for each component of the Master Plan, the provision of usable open space and the preservation of views will continue to be monitored by the Planning Board, and this Decision includes conditions regarding the Applicant's obligation to submit detailed information for each Special Permit application.
16.4f	an efficient use of land which properly considers topography and protects significant natural features including, but not limited to, waterways, wetlands, floodplains and wildlife	x			The existing site is relatively flat, except for the area near the water, where the land slopes to the river. Although there are some former tidelands in Assembly Square (which will subject the project to Chapter 91 review), there are no significant wetlands, floodplains, or wildlife. The most important natural feature is the Mystic River, and the PUD will enhance passive recreational elements of the DCR park, as expanded, with landscaping, public artwork, and associated improvements consistent with a first-class commercial standard for urban public space. Finally, the PUD has been designed to locate the tallest buildings furthest away from the Mystic River.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
16.4g	an efficient use of land demonstrating full coordination of its own site development including, but not limited to, the land uses and functions contemplated, architecture, open space and pedestrian networks, vehicular access and circulation, and all other infrastructure	x			The Master Plan demonstrates that full consideration has been given to site development as a whole. The project has been phased such that the proposed uses and their associated roadways, parking, and infrastructure are developed in a coordinated manner. During the Special Permit process for developments within Assembly Row, the architecture, open space and pedestrian networks, vehicular access and circulation, roadways, and infrastructure will be reviewed in appropriate detail, and this Decision includes conditions to ensure that these issues are more fully addressed during the Special Permit process.
16.4h	linked and coordinated with surrounding land uses, off-site public facilities, infrastructure and roadway access where appropriate, in a manner that is safe, efficient and non-injurious to the public, and an improvement or benefit to the public where possible	x			The Applicant has linked the residential buildings with the existing parkland that abuts the site and has designed a network of roadways and sidewalks which constitute an improvement to the existing conditions and a benefit to the public. During the special permit process links with surrounding land uses, off-site public facilities, infrastructure, and roadway access will be reviewed in appropriate detail. Conditions have been attached to this Decision to ensure that these issues will be fully addressed.
16.4i	designed with sizing of street and other infrastructure systems to accommodate the overall service demand of the PUD	x			A full Traffic Impact and Access Study was prepared for the project and was included in the original submission package and amended for this revision. The City Traffic engineer concluded that all facets of intersections and roadways illustrated on the revised Master Plan are consistent with proper Traffic Engineering design practice. Recommendations for traffic mitigation and additional analysis are included in the Conditions section of this report.
16.4j	inclusive of provisions for the ownership and maintenance of usable open space as appropriate (see Sec. 16.6 of this Article)	x			The Applicant will be required to maintain the usable open space within the PUD subject to a maintenance agreement(s) that must be developed or revised as a condition of this approval. Block 5 PB 2014-34-R1(5/2015)

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
16.4k	inclusive of appropriate deed restrictions or covenants requiring compliance of all development with the PUD master plan, and any architectural or other guidelines or standards			x	There is an Easement Agreement with the City that is conditioned to be amended to reflect this PMP amendment. Deed restrictions for specific parcels not yet developed will be addressed in subsequent submission for special permits with site plan review. In addition, the PUD has urban renewal district and some of the key parcels were acquired from the Somerville Redevelopment Authority via land disposition agreements containing covenants and restrictions ensuring that the goals and objectives of the City as expressed in the Major Plan Change will be adhered to. The existing covenant from December 2006 remains in effect.
16.4l	when inclusive of a proposed use allowable under this Ordinance only within a PUD setting, that said use is integrated into the proposed development in terms of function and service to other users of the PUD site and/or to the immediately surrounding area	n/a			<u>Not applicable.</u> This finding is not applicable in the ASMD District because all uses in the PUD align with the underlying district.
<u>B.4: PUD Design Guidelines (SZO Section 16.7)</u>					
Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
16.7a	PUD architecture should demonstrate the cohesive planning of the development and present a clearly identifiable design feature throughout. It is not intended that buildings be totally uniform in appearance or that designers and developers be restricted in their creativity. Rather, cohesion and identity can be demonstrated in similar building scale or mass; consistent use of facade materials; similar ground level detailing, color or signage; consistency in functional systems such as roadway or pedestrian way surfaces, signage, or landscaping; the framing of outdoor open space and linkages, or a clear conveyance in the importance of various buildings and features on the site			x	The building has a cohesive identity while providing variety in the façade to break up the massing of the building. The building conforms to the design guidelines, which ensures that it is built to be consistent with the PUD-PMP. Details of how the building conforms to the guidelines can be found in the form and design section of the staff report.
16.7b	Buildings adjacent to usable open space should generally be oriented to that space, with access to the building opening onto the open space			x	The usable open space on Block 5 is located around the building and on the sidewalks. The entrances to the retail spaces will be on the northern, eastern, and southern sides of the building along the usable open space.
16.7c	When a building is proposed to exceed the base district height limit, it is intended that buildings be of slender proportions emphasizing the vertical dimension			x	The Design Guidelines submitted in the application adhere to the height requirements outlined in the ASMD dimensional requirements with specific height limits based on the distance from the Mystic River bank and the MBTA station. The 166 foot portion of the building will help to create a sense of enclosure on the street. Its depth makes up a third of the block so that the one building does not dominate the block.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
16.7d	It is strongly encouraged that landscaped space, and particularly usable open space, be designed and located to connect as a network throughout the PUD. It is also generally intended that said space be designed and located to connect with existing off-site usable open space, and provide potential for connection with future open space by extending to the perimeter of the PUD, particularly when a plan exists for the location and networking of such future open space	x			see 6.4.7.A.4
16.7e	It is intended that no non-residential structure cause a casting of any shadow on any residential lands between 10:00 AM and 2:00 PM, solar time, on the vernal equinox (March 21); and that any shadow cast by a PUD structure on public usable open space be of minimal impact on the desired functional use of said open space, particularly in the period from March 21 to September 21			x	Shadow studies were submitted for the block for 10am and 2pm on Mar 21, Jun 21, Sept 21, Dec 21. In March, June, September and December in the afternoon there will be some shadowing of different sections of Blocks 4 and 6, which have residential on the upper floors. The tall buildings envisioned for Assembly Square will have some shadows and this block appears to be minimally impactful. Shadows do not impact residential structures at 10am. From the extent of the shadow studies it does not appear that Block 5 will shadow plazas or large usable open spaces.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
16.7f	Vehicular access to and from public roads is intended to be consolidated. Vehicular access to PUD lands from a public roadway shall generally be limited to one (1) access point, particularly when PUD frontage along said roadway is three hundred (300) feet or less. When a PUD has more than six hundred (600) feet of frontage on a public road, separation between existing, approved, and proposed curb cuts, whether on or off-site, shall average a minimum of two hundred (200) feet. Consolidation to a minimal number of access points is strongly encouraged	x			This was achieved in the master plan approval.
16.7g	Internal PUD streets shall consist of local and collector roadways, designed in accordance with standard traffic engineering practice. Any street proposed for public dedication shall meet the standards of the City's Director of Traffic and Parking.	x			The internal street layout is proposed in a grid pattern with local and collector streets. The main retail street travels north/south through the center of the Assembly Row development between Block 11 and the park land adjacent to the Mystic River, supporting a robust street grid that can handle traffic within the site. Other internal streets provide connections to Grand Union Boulevard, the MBTA station and perimeter locations. As these streets will be dedicated to the public these streets will be conditioned to meet City standards or better pursuant to review by the Director of Traffic and Parking and City Engineer.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
16.7h	PUD block sides should reflect average city block size of Somerville, to maximize a pedestrian-friendly scale in the street grid. Alight streets to give building energy-efficient orientations.	x			Block sizes are larger than typically found in Somerville to accommodate buildings much larger than are typical in the City. Though the blocks are larger, the ground floor retail uses proposed and pedestrian friendly architectural elements and designs offset the negative effects of the above average block sizes and provide a scale appropriate for pedestrians. The reason for the proposed building footprint and portal design to achieve this findings can be found the Building Shape and Placement and Site Design and Access sections of the staff report.
16.7i	The PUD design should preserve and enhance natural features such as topography, waterways, vegetation, and drainage ways.	x			The natural features of the site have been substantially altered over the years as an industrial and commercial site. This proposal would expand and improve vegetation on the site as well as expand the open space existing along the Mystic River.
16.7j	The PUD design should minimize impervious surfaces and incorporate other design features to minimize storm water runoff.			x	The development must comply with the City's Stormwater Management policy.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
16.7k	PUDs should maximize pedestrian transit-oriented development. Specifically they should use "traffic-calming" techniques liberally; provide networks for pedestrians as good as the networks for motorists; provide pedestrians and bicycles with shortcuts and alternatives to travel along high-volume streets, and emphasize safe and direct pedestrian connections to transit stops and other commercial and/or employment nodes; provide long-term, covered, bicycle parking areas; provide well-lit, transit shelters; incorporate transit-oriented design features; and establish Travel Demand Management programs at employment centers.	x			Traffic calming measures have been included in the roadway designs that feature combination pedestrian/vehicle streets and open spaces, traffic circles, paver cross walks, intersection bumpouts, Median Park and street trees. Pedestrians and bicyclists have alternative networks to access the project without travel on the high volume streets and can bypass the entire project on a dedicated bike/pedestrian path around the perimeter of the site. The highest intensity development will be proximate to the MBTA station which will promote rapid transit ridership and is in line with ideals of Transit Oriented Development.
16.7l	Make shopping centers and business parks into all-purpose activity centers.	x			The proposal calls for a wide array of uses that would create a vibrant and sustainable community with amenities and activities that will serve the residents of the development and the surrounding areas. This project is much more integrated than a typical shopping center or business park, allowing for a new community to be developed adjacent to the new T station.
<u>B.5: ASMD Development Standards (SZO Section 6.4.7.A)</u>					
Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
6.4.7.A.1	<i>Transportation Analysis.</i> All new Developments shall conform to the requirements set forth in any Transportation Study, subject to the approval of the SPGA.	x			A full Traffic Impact and Access Study was prepared for the project and was included in the original submission package and amended for this revision. The City Traffic engineer concluded that all facets of intersections and roadways illustrated on the revised Master Plan are consistent with proper Traffic Engineering design practice. Recommendations for traffic mitigation and additional analysis are included in the Conditions section of this report.
6.4.7.A.2	<i>Parking Requirements.</i> Developments shall meet the parking requirements set forth in Section 9.15.	x		x	The number of parking spaces for the PUD as a whole is being tracked so that this resource is shared to the maximum extent possible.
6.4.7.A.3	<i>Landscaping Requirements.</i> Developments shall conform to the applicable landscaping requirements set forth in Article 10. Open spaces shall be contiguous to the extent practical, in the opinion of the SPGA.			x	This Block does not contain substantial landscaping because it is going to be an urban block. Other portions of the site will have lush landscaping that will meet the landscaping requirement for the PUD.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
6.4.7.A.4	<i>Pedestrian Connections.</i> Continuous pedestrian connections shall be supported between all major points of pedestrian activity on the Development Site, including, but not limited to, connections to the Mystic River waterfront, connections to all public and private ways abutting the Development Site, and any transit stops. Developments shall support improved access between the ASMD and the Ten Hills and East Broadway neighborhoods by means of sidewalk connections, crosswalks, landscaping, traffic signalization and traffic calming methods as appropriate.	x			The project incorporates sidewalks throughout, connecting all parts of the development including to and from the proposed MBTA T stop, the Mystic River and the Assembly Square Marketplace. In addition, a shared use path is planned along the Orange Line right of way that will connect pedestrians along the length of the project to the riverfront. The enhanced riverfront park also provides enhanced and new pedestrian connections to Draw 7 Park and to points within the site. The Proponent has previously provided \$100,000 to the City for the design of a new Mystic River pedestrian/bicycle walkway underneath Route 28 connecting Assembly Square and the Ten Hills neighborhood. The Proponent has also committed to fund construction of the new Mystic River pedestrian/bicycle walkway underneath Route 28 as part of an up to \$2 million commitment to fund pedestrian/bicycle/riverfront park enhancements on DCR land, in addition to other mitigation being constructed by the Proponent in conjunction with the Project.

B.6: ASMD Design Guidelines (SZO Section 6.4.7.B)

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
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Note: The applicant has provided, of its own volition, additional Design Review Guidelines to address the design and massing of the proposed blocks and of quality in material and design that will achieve the goal of creating a diverse and vibrant mixed-use neighborhood they in no way represent the only viable or acceptable solution. Where design solutions deviate significantly from these guidelines, the Somerville DRC and Planning Board would determine if the solution is within the spirit of the document. If adopted by the Planning Board, these Design Guidelines will become part of the vision and expectation of the project from here forward.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
6.4.7.B.1	<i>Street and Sidewalk Design.</i> Street and sidewalk design shall be based on the Assembly Square Public Realm Design Guidelines and applicable engineering standards, provided that any street shown in such Guidelines as running through an existing Building is not required to be constructed until such Building is demolished.			x	The design of streets and sidewalks will respond appropriately to the Street and Sidewalk design criteria. To the extent that is known at this time, the streets and sidewalks appear to be designed to meet the expectations of the Design Guidelines. Full engineering plans will need to be provided for review and approval prior to a building permit being issued for the block to ensure that streets meet City engineering standards. There are no longer buildings that need to be demolished to construct the streets around the site.
6.4.7.B.2	<i>Building Design.</i> Buildings shall be designed to the highest architectural standards and shall be sited appropriately on the Lot.			x	The design has been reviewed by the Design Review Committee. See Section I of the Staff Report. The design guideline for the building was submitted with the SPSR application and it fits into the context of the neighborhood.
6.4.7.B.2a	Buildings should be located to create a presence on existing street edges or along major internal circulation routes and have maximum building setbacks of five feet except in special circumstances, where greater setbacks would enhance the pedestrian friendly experience of the ASMD, such as dedicated open space; and buildings should be located to reinforce both existing and future circulation patterns that may serve more than one Site.			x	The building will have a presence on the street. It will be constructed within a few feet of the sidewalk.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
6.4.7.B.2b	Buildings should have interesting entrance areas that are visible and directly accessible from major public access points, streets and circulation patterns. Extensive areas of glass and window, providing visual access to interior uses, should be part of all street facades and accompany building entrances. Multiple and frequent entrances oriented to streets are encouraged. Building entrances should be clearly defined, through the use of elements such as canopies, porticos, overhangs, peaked roof forms, arches. Entries set back from the street should have outdoor patios, tile work, moldings, integral planters or wing walls with landscaped areas, or places for sitting.			x	Retail storefronts that must meet the Assembly Row Storefront Standards will line the sidewalks. The main entrance to the residential portion of the building will be clearly defined with a differentiated window pattern and a lot of glazing. The hotel entrance will project from the building and be marked with a different pavement treatment and hanging lightings above the road between the hotel and office building in phase 2.
6.4.7.B.2c	There should be a clearly defined pattern of bays, rhythms, and dimensions that create continuous visual interest and variety in the design of all facades.			x	The facades of the building are broken up into sections with different treatment to create an interesting building.
6.4.7.B.2d	The overall scale of development should be broken down to respond to the pedestrian scale use of open space.			x	The taller component of the site has been broken down to have a base, middle and top to breakdown the scale of the building. The block steps down to meet the median park and provide views for the taller commercial building that will be setback from the main street.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
6.4.7.B.2e	Materials and colors shall be consistent with traditional buildings in the area with historic merit.			x	Two buildings in the Assembly Square area were inventoried by the Massachusetts Historical Commission and were not deemed to have historic merit. Two buildings were previously demolished.
6.4.7.B.2f	Building equipment and service areas should be located away from public streets or major interior circulation routes and provide screening. All storage of items for sale or related inventory should be enclosed unless completely screened from public view with architectural elements meeting the §6.4.7 guidelines.			x	All of the building equipment and service areas for the full build out have been located in the middle of the block and are screened by the building.
6.4.7.B.2g	Preference should be shown for vertical integration of uses. Developments should ensure that development patterns provide active uses on the ground floor that take advantage of the waterfront views and open spaces, and that add presence to public ways and sidewalks.			x	The uses on the ground floor are retail and restaurants except for the small residential lobby on Canal Street.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
6.4.7.B.2h	The façade of a building should not have any uninterrupted or unfenestrated length exceeding thirty-five (35) horizontal feet. Facades greater than one hundred (100) feet in length, measured horizontally, should incorporate wall plane projections or recesses having a depth of at least three percent (3%) of the length of the facade and extending at least twenty percent (20%) of the length of the façade.			x	There are no stretches of the façade that exceed 35 feet in length and are uninterrupted or unfenestrated. The brick columns project beyond the windows of the building to provide depth to the facade. The balconies on the upper floors are another feature that provide depth and an interesting facade.
6.4.7.B.2i	All Ground Floor facades that face public ways or the Mystic River should have windows providing visual access to the interior of a space, arcades, display windows, entry areas, awnings, or other such features along no less than seventy percent (70%) of their horizontal length. Forty percent (40%) of this activated facade area+ on the ground floor of building walls along primary and secondary streets shall consist of windows or doors meant for public entry and exit.			x	This guideline is met. Storefronts will line the buiding along Assembly Row, Canal Street and Foley Street and have windows and displays that will accomplish this goal.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
6.4.7.B.3	<i>Parking Lot Design.</i> Refer to Section 9.15 for parking requirements. Parking Lots shall avoid large expanses that are unbroken by Buildings or substantial landscaped Open Spaces, as set forth in Section 10.4 of this Ordinance.			x	Part of the existing parking lot will remain. The lot is surrounded by landscaping and there are landscaped medians.
6.4.7.B.4	<i>Open Space.</i> Landscape strips required in parking areas shall not apply to UOS calculations. Developments are encouraged to make significant contributions to Open Space along the Mystic River adjacent to the ASMD.			x	Landscaped islands are not include in the Usable Open Space for the Block.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
6.4.7.B.5	<i>Efficiency of Design.</i> Every effort shall be made to design Buildings and use materials and construction techniques to optimize daylight in building interiors, natural ventilation, energy efficiency, and to minimize exposure to and consumption of toxics and non-renewable resources and incorporate appropriate "green" design techniques. In accordance with this principle all Developments within the ASMD in excess of ten thousand (10,000) square feet shall be required to complete an Leadership in Energy & Environmental Design (LEED) worksheet and submit the worksheet to the SPGA with permit application materials. This worksheet shall be considered in evaluating whether a proposed Development meets the applicable standards set forth elsewhere in this Ordinance. However, consistency with the LEED standards shall not be a factor in whether or not to permit a Development.			x	The Application included a LEED worksheet. The building could meet the LEED certified certification.
6.4.7.B.6	<i>Contributions.</i> Contributions for Infrastructure and Open Space related to a Development made by an Applicant to the City or its constituent agencies in other agreements or permits shall be credited by the SPGA toward any applicable requirements hereunder for a Special Permit.	x		x	The Applicant has committed to contributions and mitigation under contracts with the City and the SPGA shall take that into consideration. The applicant will enter into maintenance agreements for useable open space and a portion of the public infrastructure as well.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
6.4.7.B.7	<i>Loading Spaces.</i> To the extent possible, Loading spaces shall be located away from major Public Ways, the Mystic River and other highly visible locations. Every effort shall be made to incorporate creative design to reduce the negative visual impacts of the Loading space.			x	For phase 1 the loading docks will be screened and in phase 2 they will be located within the building. A waiver for the number of loading of docks is needed to have the loading work in this way.

B.7: ASMD Large Project Development Standards (SZO Section 6.4.8.D)

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
6.4.8.D.1	Transportation Analysis. Large Developments shall provide a Transportation Access and Impact Study. The Director of Traffic and Parking shall approve the geographic scope and content of the study in consultation with the Executive Director of the Planning Department and the Traffic Commission. In addition, the Applicant shall submit a Transportation Demand Management (TDM) plan tailored to the specific uses and the geographic location of the Development Site. If the Transportation Access and Impact Study indicates a significant impact to the transportation network in the specified study area, the Applicant shall include in the study proposed mitigation measures to address those impacts.	x		x	A full Traffic Impact and Access Study was prepared for the project and was included in the original submission package and amended with this application. The assessment states that any level of service degradations identified as compared to the previously approved conditions are primarily due to traffic growth on the study area roadways unrelated to the Project. Regardless, the study indicates that the surrounding infrastructure system can accommodate the addition peak-hour traffic associated with the proposed development. The Assembly Row roadway improvements will be readily available to accommodate traffic generated by Block 5 and future development. The MBTA new Orange Line Station is operational and it will reduce the burden on the roadways by providing an alternative to vehicular transportation.

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Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
6.4.8.D.2	<p><i>Large Retail Projects.</i> Any Large Development in which any single Retail Use is more than fifty thousand (50,000) square feet of gross floor area shall also be deemed a Large Retail Project. A). Nonretail Component --“No Large Retail Project ... shall be permitted in the ASMD unless permitted as part of a PUD-A which includes 1.5 net square feet of non-retail uses for every square foot over 50,000 net square feet of Retail Use in the Large Retail Project.” B). Ground Level Retail Size Cap-- “In a Large Retail Project, not more than 50,000 square feet of Gross Floor area of any single Retail Use shall be located on the Ground Floor of any Building included in the PUD-A.”</p>			x	<p>Section A) The proposed PUD meets this requirement as indicated in the Overall Site Plan breakdown of the proposed uses. Section B) The Applicant received a waiver from this requirement with the 2006 approval of the PMP for the TJ Maxx Store and the Christmas Tree Shop. Otherwise, the proposed PUD meets this requirement and no additional waivers from this provision are requested at this time. A condition of approval is that one retail tenant cannot make up more than 50,000 sf of the ground floor of any building.</p>

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
6.4.8.D.3	<i>Landscaping.</i> A minimum of fifty (50) percent of the Landscaped Area in a new Large Development shall be Usable Open Space. The SPGA shall have final discretion in deciding if land constitutes Open Space for the purposes of determining whether this requirement has been met. The Open Space requirement may be met with land that is part of the Large Development, or with land that is outside of the Large Development area but is located within the ASMD that was not already Useable Open Space, provided that the conditions of paragraph 2 of Section 16.6.1 of the Ordinance relating to public dedication of such Usable Open Space are met.			x	As required, the proposed PMP includes greater than 48% usable open space. This project contributes a great deal towards the usable open space for the development and provides a unique type of usable open space in a strategic locations.
<u>B.8: ASMD Large Project Design Guidelines (SZO Section 6.4.8.E)</u>					
Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
6.4.8.E.1	<i>Structured Parking.</i> Due to the size and scope of Large Developments, every effort shall be made to provide as much parking as possible underground and/or in structures	x		x	Approximately 133 parking spaces will be below grade.

Appendix C: Requirements for SPSR-A & SP

<i>C1: Requirements for SPSR-A</i>					
<i>Section</i>	<i>Required Finding</i>	<i>Met in PUD</i>	<i>Not Met</i>	<i>Met in SPSR-A</i>	<i>Comment</i>
6.4.9.C.1	Traffic impact and proposed mitigation, if any, (should be) consistent with any applicable Transportation Study, Traffic Access and Impact Study and/or Transportation Demand Management Plan, and the goals and objectives of the ASD Plan			x	Traffic analysis of the full build-out of Assembly Row has been conducted and the latest version for Block 11A included the proposed build-out of Block 5. With the analysis complete, roadway improvements complete and MBTA station open, Block 5 will not significantly impact traffic conditions in the area.
6.4.9.C.2	The application (should) reflect an overall consistency with the intent and purpose of any applicable Design Guidelines set forth in this Section 6.4			x	The applicant submitted a Design Guideline for the block as part of the SPSR application. See Appendix B for assessment of the guidelines for consistency with the Design Guidelines set out in 6.4.7B and 6.4.8E of the SZO. Projects developed in accordance with the submitted Design Guidelines should be able to meet the general provisions of these sections and this project complies with the design guidelines for the master plan.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
6.4.9.C.3	The application (should) promote the following objectives: mix of residential, office, research and development, retail, hotels, places of assembly and institutional uses' economic benefits and employment opportunities' structured parking; pedestrian and bicycle access; affordable housing units and project mitigation contribution; view corridors to the Mystic River; enhanced and activated Open Space' creation of new Open Space or enhancement of existing Open Space; and, . . . support transit service at (the MBTA Station).			x	The retail, restaurant, hotel and upper floor residential units will provide a mix of uses. Pedestrian and bicycle access will be provided via sidewalks . Project mitigation payment will be required that will go the Affordable Housing Trust fund and onsite affordable units will be provided. The creation of usable open space on the Block will not be substantial but will contribute to the active open spaces in the PUD. The building will provide active uses immediately adjacent to the MBTA station.
6.4.9.C.4	Additional Findings and Determinations: Prior to granting a Special Permit with Site Plan Review-A, the SPGA shall make findings and determinations as noted in 6.4.9.C.4			x	These additional findings address submittal requirements, criteria for review, impact on public services, site surface drainage, access to buildings, utilities, signage, transformers, screening, and shadow impacts. These materials were submitted as part of the application for the Block.
5.2.5.a	<i>Information supplied.</i> Complies with the information requirements of Section 5.2.3			x	Applicants submitted all required information for SPSR-A applications.
5.2.5.b	<i>Compliance with standards.</i> Complies with such criteria or standards as may be set forth in this Ordinance which refer to the granting of the requested special permit with site plan review			x	Applicants meet individual SPSR-A findings as identified in this Appendix C.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
5.2.5.c	<i>Purpose of district.</i> Is consistent with the intent of the specific zoning district as specified in Article 6			x	The overall plan is consistent with the intent of the specific zoning district and this project is consistent with the PMP. The project advances the district's goals of development a mix of uses including high density commercial, residential and retail and does not preclude the other mix of uses planned for the area to locate near the site. The project will also greatly increases the number of residences located in the area.
5.2.5.d	<i>Site and area compatibility.</i> Is designed in a manner that is compatible with the existing natural features of the site and is compatible with the characteristics of the surrounding area, and that the scale, massing and detailing of buildings are compatible with those prevalent in the surrounding area			x	The overall plan is compatible with natural features and character of the surrounding area. The project is consistent with the PMP and therefore meets this finding. The adjacency of the MTBA station, solar orientation, and existing street grid and were considered when designing the site.
5.2.5.e	<i>Functional design.</i> Meets accepted standards and criteria for the functional design of facilities, structures, and site construction			x	The building and site meets functional standards of the SZO.
5.2.5.f	<i>Impact on Public Systems.</i> Will not create adverse impacts on the public services and facilities serving the development, such as the sanitary sewer system, the storm drainage system, the public water supply, the recreational system, the street system for vehicular traffic, and the sidewalks and footpaths for pedestrian traffic			x	The applicant has adequately addressed that the overall project, with agreed-upon public service upgrades, will have adequate public services. The proposed project is consistent with the uses anticipated in the public services and facilities impact assessment that was created for the PMP and does not have any adverse impacts within the development site.

Block 5

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
5.2.5.g	<i>Environmental impacts.</i> Will not create adverse environmental impacts, including those that may occur off the site, or such potential adverse impacts will be mitigated in connection with the proposed development, so that the development will be compatible with the surrounding area			x	The applicant has adequately addressed that the overall project mitigates adverse environmental impacts, cleans an existing brownfield and redevelops a waterfront site with future transit access.
5.2.5.h	<i>Consistency with purposes.</i> Is consistent with: 1) the purposes of this Ordinance, particularly those set forth in Article 1 and Article 5; and 2) the purposes, provisions, and specific objectives applicable to the requested special permit with site plan review which may be set forth elsewhere in this Ordinance, such as, but not limited to, those at the beginning of the various sections			x	The project meets the purpose of the Ordinance in encouraging the most appropriate use of the land and increasing the amenities of the municipality. The project also meets the purpose of Article 5 for the Board to evaluate the findings and determinations and provisions of the Ordinance and attach conditions to mitigate concerns.
5.2.5.V	Housing Impact: Will not create adverse impacts on the stock of existing affordable housing			x	The project will comply with Article 15 requirements for project mitigation payments to the Affordable Housing Trust Fund. The funds will help to establish and support affordable units in the City. The project will also include permanently affordable units and an Affordable Housing Implementation Plan.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
5.2.5.W	SomerVision Plan: Complies with the applicable goals, policies and actions of the SomerVision plan, including the following, as appropriate: Preserve and enhance the character of Somerville's neighborhoods, Transform key opportunity areas, Preserve and expand an integrated, balanced mix of safe, affordable and environmentally sound rental and homeownership units for households of all sizes and types from diverse social and economic groups; and, make Somerville a regional employment center with a mix of diverse and high-quality jobs.			x	The proposal complies with the applicable goals, policies and actions of SomerVision. The Plan calls for all of Assembly Square to share 29% of the City's growth, increase the number of jobs by 8,500, and develop 3 million square feet of commercial space. The Assembly Row Master Plan area makes up approximately half of the Assembly Square area. The block will increase the number of jobs with 2 staff for the residenetial, 40 for the hotel, and 70 for retail. The Block will not contribute significantly but the Master Plan as a whole will 15.5 acres of open space towards the goal of creating 125 acres of new open space across the transformational areas in the City.
<u>C2: Requirements for SP for Parking Space Size</u>					
5.1.4.a	<i>Information supplied.</i> Complies with the information requirements of Section 5.1.2			x	Applicants submitted information on the parking spaces sizes as requested.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
5.1.4.b	<i>Compliance with standards.</i> Complies with such criteria or standards as may be set forth in this Ordinance which refer to the granting of the requested special permit			x	<p>In considering a special permit under §9.13 of the SZO the Applicant must be able to demonstrate that granting the requested special permit would not cause detriment to the surrounding neighborhood through any of the criteria as set forth under SZO §9.13, which are as follows:</p> <ol style="list-style-type: none"> 1) increase in traffic volumes; 2) increased traffic congestion or queuing of vehicles; 3) change in the type(s) of traffic; 4) change in traffic patterns and access to the site; 5) reduction in on-street parking; 6) unsafe conflict of motor vehicle and pedestrian traffic. <p>The Applicant's traffic engineer has designed the proposed parking layout and does not have concerns that the layout would cause detriment.</p>
5.1.4.c	<i>Consistency with purposes.</i> Is consistent with: (1) the general purposes of this Ordinance as set forth in Article 1, and (2) the purposes, provisions, and specific objectives applicable to the requested special permit which may be set forth elsewhere in this Ordinance, such as, but not limited to, those purposes at the beginning of the various Articles			x	<p>In considering a special permit under §9.13 of the SZO the SPGA may grant such a special permit only when consistent with the purposes set forth in Section 9.1.</p> <p>The Applicant's traffic engineer has designed the proposed parking layout and does not have concerns that the layout would cause detriment.</p>

Section	Required Finding	Met in PUD	Not Met	Met in SPSR-A	Comment
5.1.4.d	<i>Site and area compatibility.</i> Is designed in a manner that is compatible with the existing natural features of the site and is compatible with the characteristics of the built and unbuilt surrounding area, including land uses.			x	The 0.5 foot reduction in the width of the 81 parking spaces should not be substantially noticable to drivers. The number of compact spaces that are at the typical compact size is less than that that allowed by the SZO. Having tandem spaces designated for one residential unit has been approved for other projects in the City.

Appendix D: Standards for Waivers

D.1 Loading Waiver				
Section	Required Finding	Met	Not Met	Comment
16.5.4 & 16.5.5	<i>Waiver of dimensional standards.</i> In order to maximize flexibility in the application of design standards to PUD projects, the SPGA may waive strict compliance with the standards of Section 16.5 upon making a determination that: (a) such a waiver would result in a better site plan than strict compliance with the stated standards; (b) the proposed PUD design furthers the Purpose and PUD Design Guidelines of this section; and (c) the granting of such a waiver will not cause detriment to the surrounding neighborhood.	x		The applicant is requesting a waiver from the loading standard in Section 9.7 as referenced in Section 9.16.3 . The waiver would allow for 2 loading areas on the site instead of the 3 that may be required depending on the mix of retail and restaurant uses. The waiver meets the required findings as follows: a) removing the loading area would result in a better site plan by being able to provide more retail space on the ground floor to enliven the Assembly Square neighborhood; b) the waiver furthers the design and purpose of the PUD by locating the loading in the middle of the block and away from major Public Ways and other highly visible locations and achieves the guidelines in the SZO of making every effort to incorporate creative design to reduce the negative visual impacts of loading spaces (section 6.4.7.B.7); and (c) the granting of such a waiver will not cause detriment to the surrounding neighborhood as loading will be coordinated to be staggered and some tenants will have van delivers that take up half the loading area required for a truck.
6.4.12.a.1	Strict enforcement of such standards or requirements would run counter to achieving the objectives of the ASD Plan;	x		The ASD Plan encourages below ground parking and discourages surface parking. Reducing the footprint of the ground floor of the building to build more loading space that is not practically needed for loading to this building would be counter to the objectives of the ASD Plan.
6.4.12.a.2	The application is substantially consistent with the objectives of the ASD Plan and advances the objectives of the ASD Plan;	x		The waivers create a development on Block 5 that is part of a mixed-use program that creates pedestrian oriented streets on Canal Street, Assembly Row and Foley Street. The buildings are only minimally disrupted by access to loading areas. The waiver to retain this nature of the building and not create a need to have large expanses of the facade devoted to loading is consistent with the objectives of the ASD Plan. Block 5

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Section	Required Finding	Met	Not Met	Comment
6.4.12.a.3	In the case of any Alteration of a Nonconforming Structure, a Change of Nonconforming Use, or a Major Amendment to an Approved PUD, such alteration, change or amendment shall conform, to the extent feasible, to the objectives of the ASD Plan	n/a		This finding does not apply in this case.

The rational for the landscape and screening plan, right of first refusal of the affordable units, and standards of the proposed zoning ordinance can be found Section K of the staff report. Since they are not dimensional waivers, they are not addressed further here.

Appendix E: Block 5 Conditions

#	Condition	Complete	To Be Evaluated By:	Timeframe for Compliance	Verified (initial)	Notes
<i>This list of conditions includes the conditions that were part of the PUD PMP that relate to this SPSR phase.</i>						
A. General						
1	Approval is based upon the application stamped in at the City Clerk's office on Nov 21, 2014 and revision application stamped in on May 21, 2015, and plans: Renderings: Hotel Lobby Entrance: Foley St, Corner Retail: Foley St & Assembly Row all stamp dated 1/29/15, AS AMENDED BY Perspective of Assembly Row & Foley corner, N, S, E, W Elevations, Grade level site plan, Grade level plan full build, Floor plans all dated July 13, 2015. Also, C-1, C-2, C-3 Neighborhood Context Map; C-4 Overall Site Plan 1; C-5 Overall Site Plan 2; C-6 Layout and Materials Plan; C-7 Grading, Drainage, and Erosion Control Plan; C-8 Utility Plan; C-9 Turning Template all dated 11/21/14; Open space Summary for the PUD.	-	Planning Director	Continuous		
B. Transportation / Traffic Circulation						
2	Applicant shall participate in the review of parking supply to be completed annually by the developer of Assembly Row, providing parking utilization data to the Traffic and Parking Division and Planning Division staff on an annual basis. Based on the data, the Applicant shall work with the Planning Division staff in circumstances where parking is not being used, to encourage shared parking in Assembly Square	-	Planning Director / Traffic and Parking Director	1 year after CO and annually thereafter		
3	Applicant shall construction/install an operable traffic signal with traffic controller(s) capable of providing four way flashing red signals at the intersection of Grand Union Boulevard and Foley Street.	-	Traffic & Parking Director	CO		

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#	Condition	Complete	To Be Evaluated By:	Timeframe for Compliance	Verified (initial)	Notes
4	Applicant will supply a minimum of 51 bicycle parking spaces that should be within the building and on the sidewalk. The applicant shall provide a plan of bike parking locations on the sidewalk to Planning Staff for review and approval.	-	Planning Director	Plans - prior to BP for vertical construction / installation of parking -CO		
C. Design						
5	All storefronts and retail signage shall be consistent with the Assembly Row Storefronts and Signage Design Standards. Storefronts or retail signage that is inconsistent with the guidelines shall be provided to DRC and Planning Board for review and approval.	-	Planning Director	Building Permit for retail unit and retail signage		
6	Off premises advertising is not permitted on this site and is subject to all applicable state and local permit requirements.	-	Planning Director	Continuous		
7	The rooftop screening design shall be submitted to Planning Staff for review and approval. Screening shall be made as least visible and possible and it should tie into the design and color scheme of the building.	-	Planning Director	Building Permit		
8	Applicant shall provide information regarding the final material and colors for siding, trim, windows and doors and an onsite mockup of each building segment for DRC review and Planning Staff review and approval prior to construction.	-	Planning Director	Completion of Steel Erection		
9	Applicant shall provide the design of the wall to screen the loading area to Planning Staff for review and approval.	-	Planning Director	Completion of Steel Erection		
10	Per section 6.4.8.D.2.b of the SZO, not more than 50,000 square feet of Gross Floor area of any single Retail Use shall be located on the Ground Floor of the building.	-	Planning Director	CO for retail		

D. Trash and Recycling

Block 5

#	Condition	Complete	To Be Evaluated By:	Timeframe for Compliance	Verified (initial)	Notes
11	Trash and recycling storage location for phase 1 shall be submitted to Planning Staff for review and approval. The disposal facilities shall be screened from public view. The Applicant shall provide convenient recycling to commercial and residential tenants.	-	Planning Director / DPW	Continuous		
E. Maintenance of Facilities						
12	The Applicant, its successors and/or assigns, shall be responsible for maintenance of both the building and all on-site amenities, including landscaping, publicly assessable open space, fencing, lighting, parking areas and storm water systems, ensuring they are clean, well kept and in good and safe working order.	-	Planning Director	Continuous		
13	Applicant shall submit a new or amended Usable Open Space Agreement to be reviewed and approved by Planning Staff for the open space on Block 5.	-	Planning Director	CO		
14	To the extent possible, all exterior lighting must be confined to the subject property, cast light downward (except for uplit trees) and must not intrude, interfere or spill onto neighboring properties.	-	Planning Director	Continuous		
F. Linkage and Inclusionary Zoning						
15	Affordable Housing Implementation Plan (AHIP) should be approved by the OSPCD Housing Division and executed prior to issuance of Building Permit. Affordable units shall be provided on-site.		Planning Director / Housing Director	BP		
16	Written certification of the creation of affordable housing units, any fractional payment required, or alternative methods of compliance, must be obtained from the OSPCD Housing Division before the issuance of a Certificate of Occupancy (C.O.). No C.O. shall be issued until the OSPCD Housing Division has confirmed that the Affordable Housing Restriction has been approved and recorded and the developer has provided the promised affordable units on-site.		Planning Director / Housing Director	CO		

#	Condition	Complete	To Be Evaluated By:	Timeframe for Compliance	Verified (initial)	Notes
17	No Certificate of Occupancy shall be issued until the OSPCD Housing Division has confirmed that: (for Condominium Projects) the Condominium Documents have been approved and the Developer has agreed to a form of Deed Rider for the Affordable Unit(s), or (for Rental Projects) the Developer has agreed to and executed a Memorandum of Understanding for Monitoring of the Affordable Unit(s).		Planning Director / Housing Director	CO		
18	The applicant shall meet the obligations required by Article 15 of the SZO. All covenants, contractual agreements and other documents necessary to ensure compliance with this Article shall be executed prior to the issuance of a building permit beyond the foundation permit. The first payment shall be made prior to the issuance of a certificate of occupancy. The total linkage payment shall be as determined by Article 15. The actual payment shall be determined by final square footage at the time of issuance of a building permit.	-	Planning Director / Housing Director	Building Permit / CO		
<u>G. Demolition/Construction</u>						
19	The Applicant shall at his expense replace any existing equipment (including, but not limited to street sign poles, signs, traffic signal poles, traffic signal equipment, wheel chair ramps, granite curbing, etc) and the entire sidewalk immediately abutting the subject property if damaged as a result of construction activity. All new sidewalks and driveways must be constructed to DPW standard.	-	Planning Director	Certificate of Occupancy		
20	All construction materials and equipment must be stored onsite. If occupancy of the street layout is required, such occupancy must be in conformance with the requirements of the Manual on Uniform Traffic Control Devices and the prior approval of the Traffic and Parking Department must be obtained.	-	Traffic & Parking	During Construction		

Block 5

PB 2014-34-R1(5/2015)

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#	Condition	Complete	To Be Evaluated By:	Timeframe for Compliance	Verified (initial)	Notes
21	The Applicant shall provide notice of intent to strictly comply with applicable State and Federal regulations regarding air quality including without limitation continuous dust control during demolition and construction.	-	Plng/OSE	CO		
H. Site Plan/Utilities						
22	Applicant shall submit the Site Plan Review Checklist and submit it along with the applicable documents to Engineering Staff for review and approval. The plans must comply with the City's Stormwater Management Policy.	-	City Engineer	BP		
23	A full set of as built plans shall be submitted to Engineering Office prepared and stamped by a Registered Licensed Surveyor in the State of MA prior to final sign off. This office shall review submitted as builts and at its discretion require additional information if needed.	-	City Engineer	CO		
24	All sidewalks and handicapped ramps shall be ADA compliant and a letter of compliance prepared by a professional engineer registered in the State of MA shall be submitted to this office prior to final sign off.	-	City Engineer	CO		
25	If alterations are to be made to existing site utilities, a full review and approval by the City Engineer must be made prior to construction.	-	City Engineer	BP		
I. Fire Prevention						
26	Outside fire strobes shall be placed in front of each retail space. The Applicant shall meet with the Fire Prevention regarding radio master boxes, fire alarm panels and sprinkler plans. Plans for these systems shall be provided to Fire Prevention for review and approval prior to the issuance of any construction permits.	-	Fire Prevention	Building Permit for vertical construction		
J. Final Planning Signoff						

#	Condition	Complete	To Be Evaluated By:	Timeframe for Compliance	Verified (initial)	Notes
27	The Applicant shall contact Planning Staff at least five working days in advance of a request for a final inspection by Inspectional Services to ensure the proposal was constructed in accordance with the plans and information submitted and the conditions attached to this approval.	-	Planning Director	Sign-off		

Appendix F: Applicable PUD-PMP Conditions

#	Condition	Complete	To Be Evaluated By:	Timeframe for Compliance	Verified (initial)
<i>This list of conditions includes the conditions that were part of the PUD PMP that relate to this SPSR phase.</i>					
A. General					
3.1	Applicant shall submit revised attachments and updated amendments (based upon design changes in this amendment) to the Long Term Maintenance Agreement to be reviewed and approved by City Staff. The Agreement will provide for the Proponent's commitments to the City relative to maintenance of the elements of the public right of ways including sidewalk treatments, street trees, landscaping , finishes, street furniture and other amenities. The City will not maintain anything that is not consistent with City standard, unless otherwise approved by the City Engineer.	-	-	Planning Director / DPW	Prior to BP of Blocks, 5,6,7,8,9,11, whichever is first.
B. Transportation / Traffic Circulation					
14	Applicant shall work with the MBTA and the City of Somerville to identify and provide the necessary roadway/sidewalk infrastructure for a bus route through the site to provide safe and convenient access to the MBTA Station, the Assembly Row neighborhood including Baxter Park, Partners, and the Marketplace. Applicant shall design, construct, and/or reconstruct up to 8 accessible bus stops (4 in each direction) within and/or surrounding Blocks 1,2,3,4,5,6,7,8,11 per MBTA's Bus Design Guidelines. Up to 1 stop in each direction must provide for a layover location. Plans for the right of way development shall not preclude having a bus stop to be located at Assembly Square 'T' Station. Any change to the roadway plans to provide bus stops, including the removal of on-street parking spaces, shall require the approval of the City Engineer and Planning Director.	-	-	Planning Director / City Engineer	

15.2	The Applicant shall provide short term bicycle parking spots in a quantities and locations consistent with the requirements of the SZO. Bicycle parking on the sidewalk shall be provided as follows unless City Staff waive the requirement based on a technical limitation to a location. Bike parking on the sidewalk should be within 50' of each entrance with a minimum of 1 spot per 40,000 sf; OR 19% of the bicycle parking shall be provided within 50 feet of the main egress point of the building, whichever is greater. Short term bicycle parking not accommodated directly at the entrance must be easily visible or clearly signed in parking garage. Public covered long term bike parking within the garage or bicycle room must be provided at ground level and signed from a public entrance. At least half of the racks must confirm to standard city design guidelines, while the other half of long term may be hanging type bicycle storage.	-	-	Planning Director	Continuous
16	The PMP is approved with a cap in the total number of parking spaces within the PUD area. A new cap will be determined based upon an updated 'shared use analysis' provided by the applicant. This analysis shall be similar in methodology to the 'shared use analysis' created by Walker Parking Consultants, dated March 26, 2009 and submitted with the FEIR. The inputs into this analysis will be based upon the new development program, including the Assembly Row blocks and Block 11. The existing parking lots and parking demand for the Marketplace may be excluded from the analysis. The analysis will establish overall parking demand for the Project based upon shared parking strategies, parking ratios, capture rates, and mode splits appropriate for the nature of this transit-oriented mixed-use project. The cap will be approved by planning staff, after the review and approval of the updated analysis by the planning staff. The staff reserves the right to have a peer review of the analysis by a reviewer selected by the staff.	-	-	Planning Director	Continuous
C. Water Systems					
18	Design and construction phasing of the water system shall be subject to review and approval by the City Engineer to ensure compliance with City standards and best practices for design and ongoing maintenance.	-	-	City Engineer	Prior to trench permit for roadway construction

20	Applicant shall ensure that all materials shall be in accordance with the City of Somerville Water and Sewer Division's Specifications and/or Rules and Regulations, latest issue.	-	-	City Engineer	Prior to trench permit for roadway construction
<u>D. Sanitary Sewer Systems</u>					
26	Applicant shall submit details of proposed pipe materials for review and approval during each SPSR-A process.	X	-	City Engineer	Prior to Building Permit for any of blocks 1, 2, 3,4, 5,6, 7, 8 or 10
<u>E. Stormwater Management System</u>					
29	Design and construction phasing of the stormwater management system shall be subject to review and approval by the City Engineer to ensure compliance with City standards and best practices for design and ongoing maintenance.	-	-	City Engineer	Prior to trench permit for roadway construction
36	Applicant shall provide a detailed soil erosion control plan prior to construction of roadways and/or utilities. Soil erosion plans shall also be required with each SPSR-A application.	-	-	City Engineer / Con. Comm. where applicable	Prior to trench permit for roadway construction and/or SPSR-A
<u>F. Urban Design and Design Guidelines</u>					
42.1	Foley Street and Revolution Drive shall have wayfinding and strong pedestrian connections to the MBTA headhouses with review and approval of the elements by the Planning Staff.	-	-	Planning Director	Prior to BP for Block 8

50	Applicant shall make reasonable efforts to employ smart growth techniques in overall development, including but not limited to: Low Impact Development for Stormwater Management, bioswales and sustainable green technologies, and LEED;	-	-	City Engineer	Prior to trench permit for roadway construction or Certificate of Occupancy, whichever is applicable
G. Trash and Recycling					
63	Each individual building or block must provide interior disposal and storage systems for trash and recycling. These systems must be detailed in the SPSR-A applications.	-	-	Planning Director / DPW	Addressed with each SPSR-A application

H. Maintenance of Facilities

64	All City of Somerville traffic control equipment and roadway elements must meet City specifications and standards unless they are otherwise approved by the City Engineer and are maintained by the Applicant under the maintenance agreement.	-	-	City Engineer	Continuous
65.1	The Applicant shall provide the City's Department of Lights and Lines with 24 hour access to the street lighting control cabinets located in each block.	-	-	Lights and Lines	Addressed with each SPSR-A application

I. SPSR-A Reviews

65.2	The Applicant shall request addresses for each Block of PMP from the Engineering Department prior to applying for a Special Permit with Site Plan Review.	Complete for Main Entrance	-	City Engineer	Addressed with each SPSR-A application
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Appendix G: Square Footage/Linkage/Usable Open Space/Parking Space Tracker

<i>Date</i>	<i>Project Description</i>	<i>Land Area</i>	<i>Building Square Footage</i>	<i>Commercial Space</i>	<i>Retail Space (inc health club & cinema)</i>	<i>Residential Units</i>	<i>Hotel</i>	<i>Square Footage to which Linkage Applies</i>	<i>Linkage SF Exemption Tracker - to be paid after first 300,000 constructed for FRIT's buildings*</i>	<i>SF of Open Space</i>	<i>SF of Usable Open Space</i>	<i># parking spaces</i>
Dec-09	Marketplace (Phase 1AAA)	1,122,202	328,806	-	328,806	-	-	-	-	105,255	55,073	1,123
Jun-11	Block 10	32,059	4,500	-	4,500	-	-	-	4,500	15,646	11,325	28
Oct-11	Block 1	107,219	437,840	-	67,530	195	-	67,530	-	18,520	2,839	367
Oct-11	Block 4	122,219	439,660	-	43,975	253	-	43,975	-	22,040	13,096	505
Oct-11	Block 3	113,138	417,204	-	182,967	-	-	121,704	295,500	7,602	1,964	571
Feb-13	Block 2A	20,922	3,605	-	3,605	-	-	3,605	-	13,437	13,437	0
Feb-13	Block 2B	47,642	132,708	93,174	39,500	-	-	132,674	-	6,029	1,875	0
Oct-12	Block 5 temp					-	-	-	-			207
Oct-12	Block 6 temp					-	-	-	-			228
Jul-14	Block 11 Phase 1	464,265	874,297	768,375	105,922	-	-	874,297	-	292,359	250,004	1997
Oct-14	Block 6	166,935	557,000	-	40,000	447	-	40,000	-	10,534	7,495	671
Jun-15	Block 5 Phase 1	115,382	224,662	-	22,000	134	155	22,000	-	10,499	7,384	219
Jun-15	Block 9 temp											72
								plus hotel				
Total		2,311,983	3,420,282	861,549	509,999	1,029	155	1,005,785	300,000	501,921	364,492	5,553
Total Approved		2,671,884	5,692,486	2,801,333	637,024	1,843	170 rooms			744,174	565,983	10,066
Remaining			2,272,204	1,939,784	127,025	814	15			242,253	201,491	4,513

* Linkage is based on gross square feet; however, under SZO section 6.4.6.B - structured parking, whether above grade or below grade, shall be excluded for the purposes of calculating gross floor area.